

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

FILED-CLERK  
U.S. DISTRICT COURT  
2013 OCT 23 PM 2:59  
TEXAS-EASTERN

BY \_\_\_\_\_

UNITED STATES OF AMERICA

§

VS.

§

NO. 6:13CR 101

§

Judge MHS / KNM

§

JAMES LEROY FRATTAROLA

§

**INDICTMENT**

THE UNITED STATES GRAND JURY CHARGES:

**Count One**

Violation: 18 U.S.C. § 485 (Possession  
of Counterfeited Bars)

On or about September 13, 2013, in Gregg County, in the Eastern District of Texas, the defendant, **James Leroy Frattarola**, with intent to defraud, did keep in his possession falsely made, forged, and counterfeited bars, that is, approximately ninety (90) one ounce, silver bars stamped with the impression, “.999 FINE SILVER” and “NORTHWEST TERRITORIAL MINT,” which he then knew to be falsely made, forged, and counterfeited, in violation of 18 U.S.C. § 485.

**Count Two**

Violation: 18 U.S.C. § 472 (Uttering  
Counterfeited Bars)

On or about September 13, 2013, in Gregg County, in the Eastern District of Texas, the defendant, **James Leroy Frattarola**, with intent to defraud, did pass, utter, and publish, and attempt to pass, utter, and publish, to Ty Hardin, owner of Texas Gold and Silver Exchange, falsely made, forged, and counterfeited bars, that is, approximately ninety (90) one ounce, silver bars stamped with the impression, “.999 FINE SILVER” and “NORTHWEST TERRITORIAL MINT,” which he then knew to be falsely made, forged, and counterfeited, in violation of 18 U.S.C. § 485.

**NOTICE OF INTENTION TO SEEK CRIMINAL FORFEITURE**

Pursuant to 18 U.S.C. §§ 982(a)(2)(B), 492, and 28 U.S.C. § 2461

As the result of committing one or more of the offenses alleged in this indictment, the defendant shall forfeit to the United States, pursuant to 18 U.S.C. §§ 982(a)(2)(B), 492, and 28 U.S.C. § 2461:

1. Any property constituting, or derived from, proceeds the person obtained directly or indirectly as the result of such violation; and
2. All counterfeits of any coins or obligations or other securities of the United States or of any foreign government, or any articles, devices, and other things made, possessed, or used in such violation, or any material or apparatus used or fitted or intended to be used in the making of such counterfeits, articles, devices or things, found in the possession of any person without authority from the Secretary of the Treasury or other property officer, including, but not limited to the following:

**Counterfeits**

Any and all counterfeit coins or obligations, or articles, devices and other things seized from defendant, including but not limited to:

- A. Ninety (90) one ounce, counterfeit silver bars stamped with the impression, “.999 FINE SILVER” and “NORTHWEST TERRITORIAL MINT”
- B. Six (6) counterfeit Krugerrand gold coins
- C. One (1) counterfeit American Eagle gold coin

**Cash Proceeds**

\$2,500.00 in United States currency and all interest and proceeds traceable thereto, in that such sum in aggregate is property constituting, or derived from, proceeds obtained directly or indirectly, as the result of the offenses alleged in this indictment.

**Substitute Assets**

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant –

- (a) Cannot be located upon the exercise of due diligence;
- (b) Has been transferred or sold to, or deposited with a third person;
- (c) Has been placed beyond the jurisdiction of the court;
- (d) Has been substantially diminished in value; or
- (e) Has been commingled with other property which cannot be subdivided without difficulty;

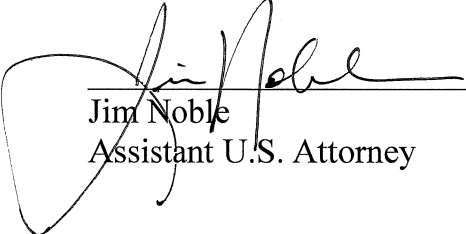
It is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of defendants up to the value of the above forfeitable property, including but not limited to all property, both real and personal, owned by defendant.

By virtue of the commission of the offenses alleged in this indictment, and all interest the defendant has in the above-described property is vested in the United States and hereby forfeited to the United States pursuant to 18 U.S.C. §§ 982(a)(2)(B), 492, and 28 U.S.C. § 2461.

A TRUE BILL

  
\_\_\_\_\_  
GRAND JURY FOREPERSON

JOHN M. BALES  
UNITED STATES ATTORNEY

  
\_\_\_\_\_  
Jim Noble  
Assistant U.S. Attorney

\_\_\_\_\_  
10/23/2013  
Date

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TYLER DIVISION

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VS.

JAMES LEROY FRATTAROLA

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NO. 6:13CR\_\_\_\_\_

Judge \_\_\_\_\_

**Counts One and Two**

Violation: 18 U.S.C. § 485 (Possessing and Uttering  
Counterfeited Bars)

Penalty: A fine of not more than \$250,000.00;  
imprisonment for not more than fifteen (15)  
years; or both. A term of supervised release of  
not more than three (3) years.

Special Assessment: \$100.00